

AUG 13 2002

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
50060-00087

In Re Application Of: **RODGERS**

Serial No.
10/099,892

Filing Date
3/14/02

Examiner
NOT YET ASSIGNED

Group Art Unit
3613

Title: **NON-LINEAR ACTUATOR SUSPENSION FOR MICROELECTROMECHANICAL SYSTEMS**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**STATEMENT CLAIMING SMALL ENTITY STATUS
POWER OF ATTORNEY
CERTIFICATE UNDER 37 CFR 3.73(b)**

in the above identified application.

- ☒ No additional fee is required.
- ☐ Check in the amount of _____ is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. **50-1419** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

James L. Johnson
Signature
JAMES L. JOHNSON
REG. NO. 34,193
MARSH FISCHMANN & BREYFOGLE LLP
3151 SOUTH VAUGHN WAY, SUITE 411
AURORA, CO 80014
(701) 293-7680

Dated: **8/7/02**

I certify that this document and fee is being deposited on **8/7/02** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Ruth E. Ostgulen

Signature of Person Mailing Correspondence

RUTH E. OSTGULEN

Typed or Printed Name of Person Mailing Correspondence

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#6/Small Entity Statement

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN**

Docket Number (Optional)
50060-00087

Applicant, Patentee, or Identifier: RODGERS

Application or Patent No.: 10/099,892

Filed or Issued: 3/14/02

Title: NON-LINEAR ACTUATOR SUSPENSION FOR MICROELECTROMECHANICAL SYSTEMS

I hereby state that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN MEMX, INC.

ADDRESS OF SMALL BUSINESS CONCERN 5600 WYOMING BLVD. NE, SUITE 20
ALBUQUERQUE, NM 87109

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

- Each person, concern, or organization having any rights in the invention is listed below:
☒ no such person, concern, or organization exists.
☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance

NAME OF PERSON SIGNING PAUL J. MCWHORTER

TITLE OF PERSON IF OTHER THAN OWNER CTO AND VICE PRESIDENT OF ENGINEERING

ADDRESS OF PERSON SIGNING 5600 WYOMING BLVD. NE, SUITE 20, ALBUQUERQUE, NM 87109

SIGNATURE Paul J. McWhorter DATE 5/15/02

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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POWER OF ATTORNEY

On behalf of MEMX, Inc., a Delaware corporation having a principal place of business at 5600 Wyoming Blvd., NE, Suite 20, Albuquerque, NM 87109, being the assignee of and owning all right, title and interest in the invention entitled "NON-LINEAR ACTUATOR SUSPENSION FOR MICROELECTROMECHANICAL SYSTEMS" for which application for Letters Patent of the United States has been made by Murray Steven Rodgers of 12216 Papaya Ct. NE, Albuquerque, NM 87111, said application being identified as Serial No. 10/099,892, Attorney File No. 50060-00087, and filed March 14, 2002, on behalf of MEMX, Inc. the undersigned appoints all attorneys and agents associated with Customer Number 25231 as attorneys and agents for MEMX, Inc., with full powers of substitution, association and revocation, to prosecute the application and related U.S. and foreign applications and to transact all business in the United States Patent and Trademark Office and all foreign and international patent offices connected therewith.

On behalf of MEMX, Inc., the undersigned authorizes all correspondence regarding the above-noted matters to be directed to the correspondence address associated with Customer Number 25231.

The undersigned (whose title is supplied below) is authorized to act on behalf of MEMX, Inc.

MEMX, Inc.

Date: 7/31/02

By: Paul J. McWhorter
Paul J. McWhorter
CTO and Vice President of Engineering

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Applicant: RODGERS

Application No.: 10/099,892

Filed: 3/14/02

Confirmation No.: 5453

Attorney Docket No.: 50060-00087

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For: NON-LINEAR ACTUATOR SUSPENSION FOR MICROELECTROMECHANICAL SYSTEMS

MEMX, INC., a Delaware corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
- B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:
- ☐ Additional documents in the chain of title are listed on a supplemental sheet.
- ☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By: _____

Paul J. McWhorter
CTO and Vice President of Engineering

Date: 7/31/02

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Assignment of Rights, Title and Interest in Invention (Multiple inventors; single assignee)

Docket No.
50060-00087

This is an Assignment of the following rights, title and interest: (check all that apply):

- ☒ *United States of America rights, title and interest in the invention*
☒ *Foreign rights, title and interest in the invention*
☒ *United States Patent Application Serial No. 10/099,892*

Date of Execution:

Date of Filing: 3/14/02

- ☐ *United States Provisional Patent Application Serial No.* _____
- ☒ *United States Patent No(s).* _____
- ☐ *International (PCT) Patent Application Serial No.* _____
- ☐ *Other (specify)* _____

Title of the Invention

NON-LINEAR ACTUATOR SUSPENSION FOR MICROELECTROMECHANICAL SYSTEMS

Inventors (assignors)[illegible]**Assignee**

Name	Address
MEMX, INC.	5600 WYOMING BLVD. NE, SUITE 20, ALBUQUERQUE, NM 87109

Assignment of Rights, Title and Interest in Invention (Multiple inventors; single assignee)

Docket No.
50060-00087

Whereas, we, the above-identified Inventors, have invented certain new and useful improvements in the Invention identified above and described in the above-identified patent application(s) and/or patent(s) (hereinafter referred to as "Invention");

And, whereas we desire to assign our above-identified rights, title and interest in the Invention to the above-identified Assignee;

Now, this indenture witnesseth, that for good and valuable consideration, the receipt whereof is hereby acknowledged;

We hereby assign, sell and transfer our above-identified rights, title and interest in said Invention, said application(s) as identified above, including any divisions, continuations, and continuations-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted or have granted for said Invention, and in and to any and all reissues and reexaminations thereof, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to us with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;

And we hereby authorize and request the Commissioner of Patents and Trademarks to issue any United States Letters Patent which may issue for said Invention to said Assignee, as assignee of the whole right, title and interest thereto;

And we further agree to sign and execute all necessary and lawful future documents, including applications for foreign patents, for filing divisions, continuations and continuations-in-part of said application for patent, and/or, for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid Invention, as the Assignee or its Designee(s) may from time to time require and prepare at its own expense.

Inventors' Signatures (if Notarization is desired, do not sign here and proceed to next page)

[illegible]

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Assignment of Rights, Title and Interest in Invention
(Multiple inventors; single assignee)

Docket No.
50060-00087

Notarization

(Although notarization is not necessary, it will be considered prima facie evidence of execution pursuant to 35 U.S.C. 261.)

Executed this 16th day of May, in the year 2002
at Sandia Labs FCU

State of New Mexico

County of Bernalillo

Murray Steven Rodgers
(Signature of Inventor)



OFFICIAL SEAL
MARGARET J. BRIZZEE
NOTARY PUBLIC-STATE OF NEW MEXICO

Before me personally appeared MURRAY STEVEN RODGERS

who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to execute the same this 16th day of May, in the year 2002

My commission expires: 1/24/04

Margaret J. Brizzee
(Notary Public)

Executed this _____ day of _____, in the year _____
at _____

State of _____

County of _____

Before me personally appeared _____

who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to execute the same this _____ day of _____, in the year _____

(Notary Public)

Executed this _____ day of _____, in the year _____
at _____

State of _____

County of _____

Before me personally appeared _____

who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to execute the same this _____ day of _____, in the year _____

(Notary Public)

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